

The motion to seal ECF No. 247 is
GRANTED.

The Clerk of Court is respectfully directed to
make ECF No. 247 only visible to the
Plaintiffs, Defendants and the Court and to
close the Motion at ECF No. 248.

SO ORDERED

12/4/2020

December 2, 2020

VIA ECF

The Honorable Sarah L. Cave, U.S.M.J.
United States District Court, Southern District of New York
500 Pearl Street, Room 702
New York, NY 10007


SARAH L. CAVE
United States Magistrate Judge

Re: Local 3621, et al v. City of New York, et al; Index No. 18-cv-04476 (LJL)(SLC)

Your Honor:

Defendants' counsel filed this evening as part of their opposition to Plaintiffs' cross motion for a protective order, the very information that Plaintiffs seek a protective order for, namely unsubstantiated and irrelevant allegations about the prior disciplinary history of Representative Plaintiff Mascol including charges that were ultimately dropped and a confidential stipulation of settlement that expressly carves out Captain Mascol's right to apply for a promotion.

Upon information and belief, this was done in an effort to prejudice the Court because Defendants' counsel feared she would be foreclosed from doing so if the protective order was issued.

While it is reprehensible that Defendants' counsel would make these prejudicial and irrelevant accusations against Captain Mascol and submit them and a confidential settlement agreement in a public filing with the Court, especially given the protections sought in the instant motion. The merits of these accusations and their relevance will be addressed in Plaintiffs' reply.

In the immediate we simply ask that this response [Dkt. No. 247] be sealed until the matter of the protective order is decided by the Court. United States v. Amodeo, 71 F.3d 1044, 1051 (2d Cir. 1995) ("In determining the weight to be accorded an assertion of a right of privacy, courts should first consider the degree to which the subject matter is traditionally considered private rather than public.")

Respectfully Submitted,

/s/
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